

30 JUN 2006



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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
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SEATTLE WA 98104-7092

In re Application of
LEEMING et al.
Application No.: 10/538,249
PCT No.: PCT/AU03/01646
Int. Filing Date: 09 December 2003
Priority Date: 09 December 2002
Attorney Docket No.: 470044.406USPC
For: COMPOUNDS AND COMPOSITIONS FOR
USE AS FOAMING OR FROTHING AGENTS IN
ORE AND COAL FLOTATION

DECISION

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 13 April 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 December 2003, applicants filed international application PCT/AU03/01646, which designated the United States and claimed a priority date of 09 December 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 24 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 June 2005.

On 08 June 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(h).

On 20 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 13 April 2006, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, three declarations of

inventors signed by four of the five joint inventors, a declaration of facts by Stewart J. Knight, copies of letters from Mr. Knight to nonsigning inventor Philip J. Leeming, copies of letters from Mr. Leeming to Mr. Knight, and a copy of an e-mail from Mr. Leeming to Mr. Knight.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1)-(4) have been satisfied.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **13 April 2006**.



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IN ORE AND COAL FLOTATION

Dear Mr. Leeming:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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